

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SMARTMATIC USA CORPORATION,
SMARTMATIC INTERNATIONAL CORPORATION
and SMARTMATIC SERVICES CORPORATION,

Plaintiffs,

– against –

DOMINION VOTING SYSTEMS CORPORATION
and DOMINION VOTING SYSTEMS, INC.,

Defendants.
-----X

No. 13-CV-05349 (KBF)

**ORAL ARGUMENT
REQUESTED**

NOTICE OF MOTION BY PLAINTIFFS TO REMAND AND FOR ABSTENTION

PLEASE TAKE NOTICE that upon the accompanying Declaration of Ira S. Greene and the exhibits thereto, the accompanying Memorandum of Law in Support of Plaintiffs’ Motion to Remand, and all previous papers and proceedings in this action, Plaintiffs Smartmatic USA Corporation, Smartmatic International Corporation and Smartmatic Services Corporation (collectively, “Plaintiffs”) will move this Court, before the Honorable Katherine B. Forrest, United States District Judge, at the United States Courthouse, 500 Pearl Street, Courtroom 15A, New York, New York, 10007, at a time and date to be set by the Court, for an order remanding this action to the Supreme Court of New York, New York County (the “State Court”) and for abstention, on the grounds that: (i) this Court lacks subject matter jurisdiction over this action and therefore must remand the action to the State Court; (ii) in the alternative, even if subject matter jurisdiction existed on the theory that this action is “related to” a bankruptcy case, as provided in 28 U.S.C. § 1334(b), this Court is nonetheless be required to abstain from exercising such jurisdiction pursuant to 28 U.S.C. § 1334(c)(2); and (iii) in the alternative, this Court should

permissively abstain from exercising jurisdiction, pursuant to 28 U.S.C. § 1334(c)(1) or remand the action to the State Court on equitable grounds, pursuant to 28 U.S.C. § 1452(b), and granting Plaintiffs such other and further relief as the Court deems just.

Dated: New York, New York
August 30, 2013

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